

Remarks

Claims 1, 3, 4, and 6-23 are pending in the present application. Claims 2 and 5 have been cancelled. Claims 6-22 have been withdrawn from consideration. New claim 23 has been added. For the purpose of clarity only, claim 5 was cited as being included in the Group I claims as set forth in the restriction requirement of April 11, 2006. However, this issue has been rendered moot by the cancellation of the claim. Reconsideration of the instant application in view of the foregoing amendments and following remarks is respectfully requested.

Claim Objections:

Claims 1-4 stand objected to as containing non-elected subject matter. These claims have been amended to overcome this objection. Withdrawal of the objection is respectfully requested.

Claim Rejections Under 35 U.S.C. § 102:

Claims 1-4 have been rejected under 35 U.S.C. § 102 (b) as being anticipated by US Patent No. 2,859,245 ("the '245 Patent"). Claim 1 has been amended to recite that R<sub>1</sub> is a C<sub>2</sub>-C<sub>12</sub> alkyl. Support for this amendment can be found in the Specification as filed, particularly, on page 3, line 18 through page 4, line 3. The '245 patent discloses 1,2-difluoroethyldimethylamine. Claim 1, as amended, does not recite such a compound. Therefore, the '245 patent does not teach compounds according to claim 1 as amended. Withdrawal of the rejection is respectfully requested.

Claims 3 and 4 each directly or indirectly depend from claim 1 and are patentable over the cited reference for at least the same reasons as set forth with regard to claim 1. Withdrawal of the rejection of these claims is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103:

Claims 1-4 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over US Patent No. 3,213,062 ("the '062 patent"). The '062 patent discloses the compound dimethyldifluoromethanamine which is not claimed in instant claim 1. The Office Action contends that in view of the '062 patent, the instantly claimed compounds are obvious.

Applicants respectfully disagree. First, the compound of the '062 reference is specifically excluded from inclusion of the scope of the pending claims.

Further, although the Office Action contends that there is motivation to prepare analogs of the compounds of the '062 patent, it is respectfully submitted that the '062 patent provides no motivation or suggestion to modify the compounds or that such modification would provide any chance of success. The '062 patent is directed to the fluorination of carbonyl compounds with carbonyl fluoride. Dimethyldifluoromethylamine is set forth in column 14, lines 58-66 as being used as a treating agent for celluloic products. Nowhere in the '062 patent is it suggested to modify this compound in any way, especially, in a manner to fall within the scope of the instant claims or that any kind of modification would provide a successful compound for use as a celluloic treating agent. As such, it is respectfully submitted that the compounds of instant amended claim 1 are not obvious in view of the '062 patent.

Further, claims 3 and 4 each directed or indirectly depend from claim 1 and are patentable over the cited reference for at least the same reasons as set forth with regard to claim 1. Withdrawal of the rejection of these claims is respectfully requested.

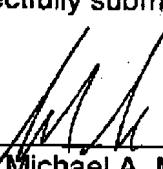
New Claim:

New claim 23 is directed to fluorinating agents comprising the compounds of formula (I). Claim 23 is believed to be patentable over the cited references. With regard to the '245 patent, the compounds recited in claim 23 are not taught by the '245 patent. As such, claim 23 is patentable over the '245 patent. Furthermore, claim 23 is not obvious in view of the '062 patent. The '062 patent does not teach or suggest fluorinating agents comprising the compounds of formula (I) as recited in claim 23. Nor is there any suggestion or motivation to use such compounds as fluorinating agents. Therefore, it is believed that claim 23 is patentable over the cited references.

In view of the foregoing, claims 1, 3-4 and 23 are now in condition for allowance.  
A response to the Amendment in the form of a Notice of Allowability is hereby solicited.

The USPTO is hereby authorized to charge any fees, including any fees for an extension of time or those under 37 C.F.R. 1.16 or 1.17, which may be required by this paper, and/or to credit any overpayments to Deposit Account No. 50-2527.

Respectfully submitted,

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